

TOWN OF HERNDON

Enriching the Quality of Life and Promoting a Sense of Community



FAQs

Federal Immigration Law Enforcement Authority 287 (g) Program

What is the 287 (g) Program?

The Illegal Immigration Reform and Immigration Responsibility Act (IIAIRA) of September 30, 1996, amended the Immigration and Nationality Act by adding 287 (g), a program that authorizes the Secretary of the Department of Homeland Security (DHS) to enter into a written Memorandum of Agreement (MOA) with state and local law enforcement to authorize qualified personnel to perform certain acts of an Immigration Officer.

What is the program designed to do?

According to representatives from the Bureau of Immigration and Customs Enforcement (ICE), the federal agency within DHS that is charged with implementation of the program, 287 (g) is designed to enable state and local law enforcement personnel, in the course of their normal duties, to question and detain individuals for potential removal from the United States if these individuals are identified as criminal illegal aliens – individuals who pose a significant threat to national security and public safety.

Doesn't the Town of Herndon's Police Department already have that authority?

Herndon Police may currently arrest and detain criminal illegal aliens but must rely on ICE agents to process the paperwork necessary to start the deportation process. 287 (g) empowers participating state and local agencies to process these individuals directly and to ensure that they are entered into the ICE system for potential deportation.

What is the program *not* designed to do?

The 287 (g) program is not designed for rounding up illegal aliens in random street operations. It is not designed to impact issues such as excessive occupancy and day worker activities. In outlining the program, ICE representatives have repeatedly emphasized that it is designed to identify individuals who pose a significant threat to public safety for potential deportation, to include individuals convicted of state or felony offenses, Group A offenses as defined by the Commonwealth of Virginia or the Group B offense of driving under the influence.

Will police officers inquire about citizen status to victims of or witnesses to a crime?

Current policies regarding witnesses and victims of crime will not change after certain officers are trained under Federal Statute 287(g). Current policy recognizes the rights of victims and witnesses, and requires all officers to treat victims and witnesses with fairness, compassion and dignity. The Herndon Police Department coordinates with, and is afforded all the services of the Fairfax County Victim/Witness Assistance program. The release of victim/witness information is governed by procedures set forth in department policies, and officers receive annual retraining on victim/witness matters through the Director of V/WAP Fairfax. Victims and witnesses to crime should never hesitate to contact the Herndon Police at 703-435-6846 or 911 (Emergency).

What type of training is involved for participating agencies?

Training is provided by ICE and lasts for approximately five weeks. Training topics include, but are not limited to: immigration and criminal law; document examination; cross cultural communications and intercultural relations; alien status; ICE operations; statutory authority; removal charges; and avoidance of racial profiling. Upon successful completion of the coursework, trained officers receive official certification from ICE called "287(g) Authority." Recertification is required.

What are the costs associated with the program?

Instruction and training materials are provided by ICE at no cost to participating local and state agencies. As part of its 287(g) program, ICE is customarily responsible for participants' travel expenses, mileage, lodging and related expenses; however, the plan is to conduct the training locally, thereby eliminating the need for these expenditures. Therefore, although HPD is identified as the responsible agency for these expenditures, none will be incurred in this area. Any costs (salaries, benefits) associated with HPD officers' participation reflect normal employment costs and are not "above and beyond" relative to training.

Are there other jurisdictions already participating in the program?

Since the implementation of the 287(g) authority, ICE has entered into written agreements with the State of Florida, through the Florida Department of Law Enforcement (FDLE), the Alabama Department of Public Safety (ALDPS), the Arizona Department of Corrections (ADC), the Los Angeles County Sheriff's Department (LASD), the San Bernardino County Sheriff's Office (SBSO), the Mecklenburg County Sheriff's Department (MCSO), the Orange County Sheriff's Department (OCSD), the Cobb County Sheriff's Office (CCSO), the Maricopa Sheriff's Department (MSD), the Alamance County Sheriff's Office (ACSO), the Gaston County Sheriff's Office (GCSO), the Mecklenburg County Sheriff's Office (MCSO), and the Davidson County Sheriff's Office (DCSO).

What are the next steps?

On Tuesday, March 13, 2007 the Herndon Town Council approved Resolution 07-G-26, determining to proceed with the MOA and authorizing the Mayor and Chief of Police to sign and deliver the agreement to ICE.

